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Before the
Federal Communications Commission
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	EB Docket No. 02-367
RAD10 MOULTRIE, INC.)	EB-01-IH-0259
)	Facility #54680
Licensee, Station WMGA(AM),)	FRN #0007570443
Moultrie, Georgia)	

To: Administrative Law Judge
Arthur I. Steinberg

**ENFORCEMENT BUREAU'S COMMENTS IN SUPPORT OF
PETITION TO INTERVENE**

1. On December 23, 2002, Douglas M. Sutton, Jr. ("Mr. Sutton") filed a "Petition to Intervene" ("petition"). Mr. Sutton seeks to intervene for the limited purpose of "correcting the record" to show that Mr. Sutton does not currently hold an ownership interest in Radio Moultrie, Inc. ("RMI" or "the licensee") and has not held any such interest since 1992. For the reasons that follow, the Enforcement Bureau supports Mr. Sutton's petition

2. In the *Order to Show Cause and Notice of Opportunity for Hearing*, FCC 02-319, released November 26, 2002, at n. 6 ("*OSC/NOV*"), it is noted that Mr. Sutton was one of three individuals that obtained control of the licensee following grant of a transfer of control application (File No. BTC-910403EB). The *OSC/NOV* then recites in paragraph 4 that, subsequently, Commission records do not reflect the filing of any agreement to sell the station, Further, the *OSC/NOV* indicates that, subsequently, the Commission did not grant any application to assign the station's license or transfer control of the licensee. Thus, one could infer that, according to Commission records, Mr. Sutton continues to hold an ownership interest in RMI and is responsible for some or all of RMI's wrongdoing alleged in the *OSC/NOV*.

3. In his petition, Mr. Sutton alleges that he, in fact, sold his ownership interest in 1992. In support. Mr. Sutton supplies a copy of a staff letter. which reflects grant of a transfer of control application (File No. **BTC-920730EA**) on **September** 29, 1992, and an ownership report, purportedly accurate as of October 20, 1992, which shows that the only owners of **RMI** were Dr. James Charles Elder and C. Christopher **Elder**. Mr. Sutton further supports his petition by a declaration made under penalty of perjury.

4. Section 1.223(b) of the Commission's rules, allows any person who desires to participate as a party in any hearing to **file a** petition for leave to intervene. The petition must set forth the interest of the petitioner and must show how the petitioner's participation will assist the Commission in the determination of the hearing issues.

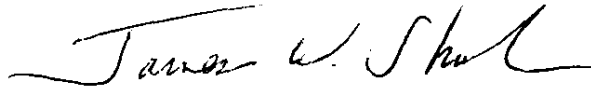
5. The *OSC/NOV* reflects that the hearing issues focus on events occurring after the station's last license renewal on September 19, 1996. One such event is the possible unauthorized transfer **of** control of RMI. Although, arguably, Mr. Sutton could provide no such assistance relative to that issue (or any other) inasmuch as he apparently left the station in 1992, his presence, limited for the purpose of clarifying the identity of the persons authorized to control RMT, will, in fact, assist the Commission's resolution of the transfer of control issue. In addition, it is likely to ensure that no order of revocation **and/or** forfeiture, should one issue, will adversely and inappropriately affect Mr. Sutton.

6. Accordingly, the Bureau supports grant of Mr. Sutton's petition to intervene.

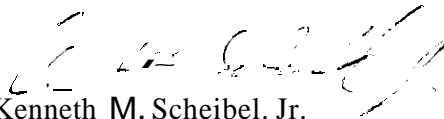
Respectfully submitted,



Charles W. Kelley
Chief, Investigations and Hearings Division
Enforcement Bureau



James W. Shook
Attorney



Kenneth M. Scheibel, Jr.
Attorney

Federal Communications Commission
445 12th Street, S.W., Suite 3B-443
Washington, D.C. 20554

January 3, 2003

Certificate of Service

James W. Shook, an attorney in the Enforcement Bureau's Investigations and Hearings Division, certifies that, on January 3, 2003, he has sent one copy of the foregoing "Enforcement Bureau's Comments in Support of Petition to Intervene" to each of the following by regular United States mail **or** by hand-delivery:

Radio Moultrie, Inc.
1140 Milstead Avenue
Conyers, Georgia 30012

Mr. C. Chris Elder
1151 Hendricks Street
Covington, Georgia 30209

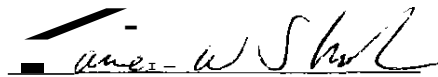
Mr. Gary A. Mitchell d/b/a/ Dixie Broadcasting, Inc
30 North Norton Avenue
Sylacauga, Alabama 35150

Mr. Aubrey Smith
P. O. Box 2239
Tifton, Georgia 31793

Sam and Cracie Zamarron
P.O. Box 2239
Tifton, Georgia 31793

John F. Garziglia, Esq.
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Washington, D.C. 20005

Administrative Law Judge Arthur I. Steinberg (by hand)
Federal Communications Commission


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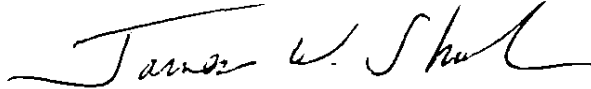
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Respectfully submitted.



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Chief, Investigations and Hearings Division
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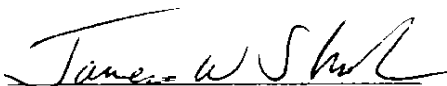
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